IN THE HIGH COURT OF BOMBAY AT GOA

APPLICATION FOR APPOINTMENT OF ARBITRATOR NO.21 OF 2001

Shri Domnic Issac
Proprietor of
M/s Premier Builders
Engineers and Contractors with
office at Krishna Kunj, 2nd floor,
General Costa Road,
Panaji, Goa,
through Power of Attorney
Shri Gurudas Bhandankar,
r/o 43/2, Bambolim ... APPLICANT

VERSUS

Union of India,
Central Public Works Department
represented by the
Executive Engineer with office
Goa Central Division,
At Bambolim, Goa ... RESPONDENT

Mr. Sudesh Usgaonkar, Advocate for the Applicant.

Mr. V.P. Thali, Sr. Central Government Standing Counsel, for the Respondent.

CORAM : F.I. REBELLO,J.

DATED : JULY 11, 2003.

ORAL JUDGMENT

The Applicants herein in terms of the arbitral clause had referred claims to the Respondents. Out of the said claims only 6 claims were referred and 11 claims were not referred on the ground that they were not accompanied by supporting documents. It is on this count that the Applicants have moved under Section 11 of the Arbitration and Conciliation Act, 1996.

2. Considering the fact that the Respondents insofar as 6 of the claims are concerned have already appointed an Arbitrator, it will be appropriate that the Respondents take steps within four weeks from today to refer the remaining 11 claims also to the same Arbitrator.

3. On behalf of the Applicants it was contended that if the Respondents fail to take steps to appoint the Arbitrator within the time stipulated, it is open for the Court under Section 11 to appoint an Arbitrator. Even if that be so, the real question is whether the contract should be departed from. In my opinion, considering that the Respondent is Union of India, it will be appropriate that in terms of the contract between the parties, the same Arbitrator who is appointed in respect of 6 claims be also appointed for the remaining 11 claims. The Respondents are therefore directed to refer the remaining 11 claims to the same Arbitrator within four weeks from today. The interim relief granted stands vacated.

Order accordingly.

F.I. REBELLO,J.